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Federal Trade Commission/Office of the Secretary  
Room 159-H  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

April 16, 2004

Dear Commissioners,

**Re: CAN-SPAM Act Rulemaking, Project No. R411008**

I applaud your efforts to curb the problem of unsolicited bulk email with the new CAN-SPAM law. However, I am deeply troubled about the proposed requirement for merchants to maintain suppression lists.

There are so many problems and costs associated with this idea, and so much damage done to consumers and businesses alike, that I feel I must urge you to consider this matter most carefully.

Requirement of the use of suppression lists will seriously damage many of the legitimate opt-in publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

They're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

Here's an example:

Lets say you had a newsletter of opt-in subscribers and in that newsletter you wanted to write a review about a new Dell computer that you just bought. Before you sent that newsletter to your subscribers you would need to contact Dell and remove any of your subscribers that had previously unsubscribed from a Dell newsletter or advertisement in another newsletter. If you had any subscribers left to send your newsletter to after you suppressed all of those names you would then have to go back to Dell after your newsletter was sent and give them the email addresses of people that had unsubscribed when you sent your newsletter.

Can you see the logistics of how difficult this would be comply with and the potential privacy concerns this would raise?

There's also the potential for significant harm to consumers, because of the problem of properly knowing their intent when they unsubscribe from a list. On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

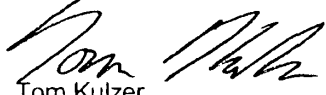
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For a more detailed analysis of the potential negative impact that this ruling might have I would refer you to my friend's review of the proposal online. I have also included a copy of that review with this letter.

 <http://www.talkbiz.net/ramblings/weblog.php> 

~~was quite surprised~~ I was quite surprised at the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems,

Sincerely,



Tom Kulzer  
CEO & Founder  
AWeber Communications  
<http://www.aweber.com>

